



D-2877CON2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT

In re application of:

BACK

)

Group Art Unit: 2873

)

Serial No. 10/827,168

)

Examiner: Sugarman, Scott J.

Dated: April 19, 2004

)

For: CONTACT LENS HAVING A
UNIFORM HORIZONTAL THICKNESS
PROFILE

I hereby certify that this correspondence is being
deposited with the United States Postal Service
with sufficient postage as first class mail in
an envelope addressed to: Commissioner for Patents,
PO Box 1450, Alexandria, VA 22313-1450 on or before

Date:

March 2 2005

Signed:

Jane McGree

LETTER TRANSMITTING TERMINAL DISCLAIMER

Commissioner for Patents
PO Box 1450
Alexandria, VA 23213-1450

Dear Sir:

Submitted herewith is a Terminal Disclaimer in the above-
identified application. Enclosed is a check in the amount of
\$130.00.

Please charge any deficiency or credit any overpayment to
Deposit Account No. 21-0890.

Respectfully submitted,



Frank J. Uza
Attorney for Applicant
Reg. No. 25,612
4 Venture, Suite 300
Irvine, CA 92618
(949) 450-1750



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TERMINAL DISCLAIMER

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Your petitioner, Ocular Sciences, Inc., having its principal place of business at 1855 Gateway Boulevard, Suite 700, Concord, CA 94520, by its attorney, FRANK J. UXA, of record in the above-identified application, represents that it is the assignee of record, as shown by the assignment recorded in the U.S. Patent and Trademark Office on September 17, 2001 at Real/Frame 012172/0199, of the entire right, title and interest in and to the above-identified application.

Pursuant to 37 CFR 3.73(b), your petitioner, as assignee of the above-identified application, hereby states that the above-noted assignment, the evidentiary document on which ownership of the above-identified application is established, has been reviewed.

03/08/2005 HLE333 00000028 10827168

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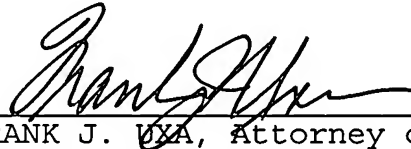
Your petitioner, Ocular Sciences, Inc., and its successors and assigns, hereby disclaim the terminal part of any United States patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of United States Patent No. 6,467,903 and United States Patent No. 6,857,740 (which issued from application Serial No. 10/171,718, filed June 14, 2002), and hereby agree that any United States patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to such patent shall be the same as the legal title to United States Patent No. 6,467,903 and United States Patent 6,857,740, this agreement to run with any patent granted on the above-identified application and be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of United State Patent No. 6,467,903 and United States Patent No. 6,857,740, in the event that at least one (or both) of said United States Patents later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise

terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Dated this 2nd day of March, 2005.

Respectfully submitted,



FRANK J. VXA, Attorney of Record
Reg. No. 25,612
4 Venture, Suite 300
Irvine, CA 92618
(949) 450-1750
Facsimile: (949) 450-1764